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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

NILE LEATHAM, and THE ESTATE OF
MARIE LEATHAM-DAVIS,

Plaintiffs,

v.

SAFECO INSURANCE COMPANY OF
AMERICA, a foreign entity; SAFECO
INSURANCE COMPANY OF ILLINOIS, a
foreign entity; LIBERTY INSURANCE
CORPORATION, a foreign corporation; LM
GENERAL INSURANCE COMPANY, a foreign
corporation DOES I through X, inclusive; and
ROE CORPORATIONS I through V, inclusive,

Defendants.

CASE NO.: 2:23-cv-01432-JCM-DJA

**STIPULATION AND ORDER TO
DISMISS DEFENDANTS LIBERTY
INSURANCE CORPORATION AND
LM GENERAL INSURANCE
COMPANY WITHOUT PREJUDICE**

IT IS HEREBY STIPULATED AND AGREED by Plaintiffs Nile Leatham and the Estate of Marie Leatham-Davis (collectively “Plaintiffs”) and Defendants Safeco Insurance Company of America (“SICA”), Safeco Insurance Company of Illinois (“SICI”), Liberty Insurance Corporation (“Liberty”), and LM General Insurance Company (“LM”) (collectively “Defendants”) by and through their respective counsel, that Liberty and LM shall be dismissed from this action.

SICI is the underwriting entity that issued Auto Policy No. A3370881 to Plaintiff Nile Leatham. SICA is the underwriting entity that issued Umbrella Policy No. UA4728619 to Plaintiff Nile Leatham. Neither Liberty nor LM issued any policy to any Plaintiff, and therefore neither

Liberty nor LM have any contractual relationship with Plaintiffs. While SICI and SICA admit no liability whatsoever, they represent that they, and not Liberty or LM, are the entities that have any degree of privity of contract with the Plaintiffs. As such, Plaintiffs stipulate and agree to dismiss Liberty and LM from all claims contained in its Complaint.

Subject to and in consideration of this stipulation, Plaintiffs retain the right to seek leave to amend their Complaint to rename Liberty and LM if facts are discovered in the course of discovery amongst the remaining parties that would make such action appropriate. Fed R. Civ. P. 15(a)(2). The parties agree that any amended pleading renaming Liberty or LM would relate back to the initial Complaint pursuant to Federal Rule of Civil Procedure 15(c).

Accordingly, the parties hereby agree and stipulate to dismiss Liberty and LM from this action without prejudice as stated herein.

Dated this 2nd day of October 2023.

BOWEN LAW OFFICES

CLYDE & CO US LLP

By: /s/ *Jeffrey W. Chronister*

By: /s/ *Lee H. Gorlin*

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Attorneys for Defendants

ORDER

IT IS SO ORDERED


UNITED STATES DISTRICT JUDGE

DATED: October 4, 2023.

CERTIFICATE OF SERVICE

As an employee of Clyde & Co US LLP, I certify that a copy of the foregoing
**STIPULATION AND ORDER TO DISMISS DEFENDANTS LIBERTY INSURANCE
CORPORATION AND LM GENERAL INSURANCE COMPANY** was served by the method
indicated:

- ☐ **BY FAX:** by transmitting via facsimile the document(s) listed above to the fax number(s) set forth below on this date before 5:00 p.m. A printed transmission record is attached to the file copy of this document(s).
- ☐ **BY U.S. MAIL:** by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at Las Vegas, Nevada addressed as set forth below.
- ☒ **BY ELECTRONIC SERVICE:** submitted to the above-entitled Court for electronic service upon the Court's Registered Service List for the above-referenced case.
- ☐ **BY EMAIL:** by emailing a PDF of the document listed above to the email addresses of the individual(s) listed below.

Dated: October 2, 2023

/s/ Jennifer Parsons
An Employee of Clyde & Co US LLP